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TOWN WARRANT
SPECIAL TOWN MEETING
May 10, 1993

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the Annual Town Meeting to be held in the Auditorium of the Amherst Regional Junior High School in said Amherst at seven thirty o'clock p.m. on Monday, the tenth day of May, nineteen hundred and ninety-three when the following articles will be acted upon by town meeting members:

ARTICLE 1 Reports of Committees (Select Board)

To see if the Town will hear only those reports of the Town officers, Finance Committee, and any other Town boards or committees which are not available in written form.

ARTICLE 2 Japanese Sister City (Select Board)

To see if the Town will accept the invitation of Kanegasaki, Japan to participate in a sister city program.

ARTICLE 3 Transfer of Funds (Select Board)

To see if the Town will, in accordance with Chapter 44, Section 33B, transfer certain amounts of departmental and special appropriations for other uses.

ARTICLE 4 Amendment for Filing Deadline of Town Nomination Papers (Select Board)

To see if the Town will authorize the Select Board to petition the General Court for a Special Act reducing the time period mandated by M.G.L. Chapter 53, Section 7 for submittal of nomination papers to the registrars of voters for certification from 14 days to 7 days prior to the date such papers must be filed with the Town Clerk.

ARTICLE 5 Charter Commission
(By Petition of Amherst Citizens for Responsible Government)

"To see if the Town will resolve that the Select Board appoint a Charter Commission, on which no more than two (2) members of any special interest group be represented, for the purpose of reviewing the effectiveness of our present form of government and recommending a government structure that will effectively govern into the 21st Century. The Commission's recommendations shall be presented to _____ for action by _____ at the latest."

ARTICLE 6 Zoning Bylaw Amendment - Section 5.14 (By Petition of Ali Crolius)

"To see if the Town will vote to amend Section 5.14 of the Zoning Bylaws to allow the keeping of hens in the R-G Districts by Special Permit so that Sec. 5.14 would read as follows:

Livestock or Poultry - The raising or keeping of livestock or poultry for use by residents of the premises shall be considered as an accessory use that is allowed by right in the Outlying Residence and Low-Density Residence Districts, subject to approval of Special Permit by the Board of Appeals in the Neighborhood Residence, Residential Village Center, and General Residential (R-G) Districts, and not permitted elsewhere."

ARTICLE 7 Zoning Bylaw Amendment - Map 21B, Parcel 13 (Planning Board)

To see if the Town will amend the Official Zoning Map by rezoning parcel 13, map 21B from the Low Density Residence District (R-LD) to the Neighborhood Residence District (R-N).

ARTICLE 8 Town Bylaws - Amendment to Discharging of Firearms Prohibitions
(Conservation Commission)

To see if the Town will amend Article II (General Regulations, Prohibitions) of the Town Bylaws by adding under Section 1. Discharging of Firearms, a subsection prohibiting hunting within 150 feet of the State rail trail (bikeway).

ARTICLE 9 Release of Town Rights - North East Street (Select Board)

To see if the Town will release any rights it may have acquired in 1935 to

establish a "water hole" (for firefighting purposes) on the land formerly owned by the John F. Skibiski Realty Partnership and located on the westerly side of North East Street in the area of Hedgerow Lane.

ARTICLE 10 Release of Town Rights - General Authorization (Select Board)

To see if the Town will authorize the Board of Selectmen to issue appropriate deeds for no monetary consideration to separate land owners of Town owned rights to certain land uses, easements, and rights of way that are no longer necessary to the performance of Town duties and responsibilities.

ARTICLE 11 Drainage Easements (Select Board)

To see if the Town will authorize the Board of Selectmen to execute certain deeds that create two temporary drainage easements and two permanent drainage easements in the interest of the inhabitants of the Town of Pelham on watershed lands of the Town of Amherst where Harris Brook crosses Amherst Road in the Town of Pelham.

ARTICLE 12 Capital Program - Solid Waste (Select Board)

To see if the Town will appropriate \$400,000 to install a Methane Collection system and a chain link fence at the old landfill on the southerly side of Belchertown Road as required by the Massachusetts Department of Environmental Protection and to determine whether such appropriation shall be met by the transfer of available solid waste funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

ARTICLE 13 Eastern Hampshire Regional Refuse District Admission of South Hadley (Select Board)

To see if the Town will authorize the Board of Selectmen, on behalf of the Town Meeting: (1) to make application to the Board of Supervisors of the Eastern Hampshire Regional Refuse District, on behalf of the Town of South Hadley, to be admitted to the District, in accordance with the provisions of Sections 11 and 12 of the Regional Agreement; (2) to negotiate with the District's Board of Supervisors for terms and conditions of admission which are fair and reasonable for both the District and the Town of South Hadley; (3) to present to a future Town Meeting a warrant article asking whether a majority of Town Meeting shall vote to approve the proposed amendment of the Regional Agreement, including terms and conditions governing South Hadley's admission to the District; and (4) upon approval of the foregoing amendment, to direct the Town Clerk to certify such vote of approval to the District's Board of Supervisors.

ARTICLE 14 Regional Refuse District Hydro-Geological Study (Select Board)

To see if the Town will appropriate \$200,000 to do a hydro-geological study on private land and to determine whether such appropriation shall be met by the transfer of available funds, by borrowing, or otherwise.

ARTICLE 15 Amendment to Article 3, Section 4, of the Town Bylaws (Refuse Collection & Recyclable Materials) (Solid Waste Committee)

To see if the Town will amend Article 3, Section 4, of the Town Bylaws as follows with language in brackets being deleted and language underlined being added:

"All [garbage or trash] municipal solid waste (including but not limited to residential and commercial refuse and construction/demolition waste materials) collected within the corporate limits of the Town of Amherst [by a holder of a trash hauler's license] shall be disposed of at the Town of Amherst Sanitary Landfill; provided that [such garbage or trash] waste materials which [is] are not acceptable for disposal at such landfill shall not be disposed of within the Town of Amherst except at places designated in writing by the Board of Health. No person, except duly authorized collectors of the Town or private haulers licensed pursuant to State law shall collect or remove any [garbage or trash] residential and commercial refuse accumulating within the Town or use the streets and roads of the Town for the purpose of collecting or transporting the same. All licenses granted to such private haulers and all contracts of other forms of authorization of duly authorized collectors shall require that all [garbage or trash] municipal solid waste collected and transported under such authorization shall be disposed of at the Town of Amherst Sanitary Landfill."

ARTICLE 16 Construction of Sludge Composting Facility
(By Petition of Bart Bouricius)

"To see if the Town will vote to instruct the Town Manager and the Select Board to, as soon as possible, begin construction of a small scale sludge composting facility which will prepare Amherst sewage for agricultural and non-agricultural uses, and to limit the Town's contractual relationship for in- or out-of-State sludge disposal to the period of time required to bring such a system on line, and that the ground-breaking for such facility begin no later than December 30, 1994."

ARTICLE 17 YardWaste and Composting Equipment Rental (Solid Waste Committee)

To see if the Town will appropriate \$2,000 and approve an equipment rental agreement between the Town of Amherst and the City of Springfield permitting the Town of Amherst to rent a "Tub Grinder" for yard waste and composting purposes.

ARTICLE 18 Pulpit Hill Road Land Acquisition (Select Board)

To see if the Town will appropriate \$250,000 for the purchase of the former cement plant and gravel pit on Pulpit Hill Road for composting of yard waste, storage of public works materials, and protection of Puffer's Pond and to determine whether such appropriation shall be by the transfer of available funds, by borrowing, or otherwise.

ARTICLE 19 Death Penalty Resolution (By Petition of Vincent J. O'Connor)

"To see if the Amherst Representative Town Meeting will vote to endorse the following resolution:

Whereas, many Amherst residents believe it is morally wrong for the state to condemn to death and execute any person; and

Whereas, since 1900 at least 326 persons have been wrongfully convicted of murder in the United States, and of that number at least 23 were executed; and

Whereas, the Commonwealth of Massachusetts has not executed anyone since 1947; and

Whereas, in 1980 the Supreme Judicial Court of the Commonwealth ruled that the death penalty is unconstitutional because it is ineffectual as a deterrent, applied arbitrarily and capriciously, and constitutes a form of "cruel and unusual" punishment; and

Whereas, the vast majority of those executed are persons of limited means; and

Whereas, the last time a person of European descent was executed in the United States for killing an African-American was 1944, since 1972 almost half of all murder victims in the U.S. have been African-American, and presently African-Americans who kill persons of European descent are 11 times more likely to be sentenced to death than those who kill other African-Americans; and

Whereas, the cost of confining a prisoner for life without parole is considerably less than the legal costs for a trial involving the death penalty;

Now, Therefore, Be It Resolved, that the Amherst Representative Town Meeting hereby calls upon the Governor, its representatives to the General Court, and the those in leadership positions in the General Court to oppose the reintroduction of the death penalty into Massachusetts; and

Further, Be It Resolved, that copies of the above resolution be sent to Governor William Weld, State Senator Stanley Rosenberg, State Representative Ellen Story, State Senate President William Bulger, Speaker of the House of Representatives Charles Flaherty, and others."

You are hereby directed to serve this call by posting attested copies therefore at the usual places:

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|------------|---------------------------|-------------|---------------------|
| Precinct 1 | North Amherst Post Office | Precinct 6 | Fort River School |
| Precinct 2 | North Fire Station | Precinct 7 | Crocker Farm School |
| Precinct 3 | Marks Meadow School | Precinct 8 | Munson Library |
| Precinct 4 | Amherst Post Office | Precinct 9 | Wildwood School |
| Precinct 5 | Bangs Community Center | Precinct 10 | Campus Center/UMass |

Hereof fail not and make return of this warrant with your doings thereon time and place of said meeting.

Given under our hands this 20th day of April, 1993.

Bryan C. Harvey
Carolyn Holstein
Brenna Y. Kucinski
Elisa K. Campbell

Board of Selectmen

Hampshire, ss.

April 23, 1993
(date)

In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the following designated places, to wit:

Sgt. Scott P. Livingstone
Constable